

RECEIVED
CENTRAL FAX CENTER

APR 20 2005

Utility Patent
Ser. No. 10/613,941

BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Robert E. Norris)	Date: April 20, 2005
)	
Serial N°: 10/613,941)	Group Art Unit: 3634
)	
Filed: 07/07/2003)	Examiner: Lev, Bruce Allen
)	
For: Emergency Stairway Escape Apparatus)	
For Wheelchairs)	
_____)	

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on 4-20-05 (date).

Typed or printed name of person signing this certificate

TERRY LAKOS

Signature Terry Lakos

Certificate of Transmision

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) - 872 - 9306 on 4-20-05 (date).

Printed name of person signing this certificate

Terry Lakos

Signature Terry Lakos

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**Petition for Refund of Notice of Appeal Fee and Appeal Brief Fee
In Accordance With 37 C.F.R. § 1.26**

**Utility Patent
Ser. No. 10/613,941**

Dear Sir:

In accordance with 37 C.F.R. § 1.26, the following request is a petition to refund the \$170.00 Notice of Appeal fee (paid on 10/29/2004 by Check No. 10616) and the \$250.00 Appeal Brief fee (paid on 12/20/2004 by Check No. 10689) because the examiner withdrew the final rejection, rendering an appeal moot at that point, and re-opening prosecution in the above captioned application.

Refund of Notice of Appeal and Appeal Brief Fees

The present application was filed on 07/07/2003, and a final rejection was rendered by the examiner on 08/25/2004. A Notice of Appeal (and \$170.00 fee) was filed on 10/27/2004 by Check No. 10616. An Appeal Brief (and \$250.00 fee) was filed on 12/20/2004 by Check No. 10689. In correspondence dated 04/12/2005, the examiner withdrew the final rejection, re-opened prosecution and indicated that all claim would be allowable. Therefore, the Appeal Brief was not the subject of a substantive review by the Board of Patent Appeals and Interferences. Photocopies of the two checks used as payment for the Notice of Appeal and Appeal Brief are attached hereto.

Because of the lack of substantive review by the Board of Patent Appeals and Interferences, the applicant respectfully requests refund of the \$420.00 total paid to the USPTO for the Notice of Appeal (\$170.00) and the Appeal Brief (\$250.00) submissions.

Please refund the aforementioned fees in the deposit account of "The Law Offices of John D. Gugliotta", Deposit Account No. 07-2380.

Utility Patent
Ser. No. 10/613,941

Respectfully submitted,


John D. Gugliotta, Esq.
Registration No. 36,538

The Law Offices of John D. Gugliotta
202 Delaware Building
137 South Main Street
Akron, OH 44308
(330) 253-5678
Facsimile (330) 253-6658

Enclosures (2)

[illegible]

BEST AVAILABLE COPY

THE LAW OFFICES
OF JOHN D. GOSSELINK, INC.
137 S. MAIN STREET, SUITE 202
AKRON, OH 44308
(330) 263-0878

PAY TO THE ORDER OF Commissioner of Patents & Trademarks

One Hundred Seventy and 00/100*****

Commissioner of Patents & Trademarks
PO Box 1450
Alexandria, VA 22313

MEMO Notice of Appeal filing fee: 10/613,941- Norris

PD 10515P 40410027111 83516300

10/11/05 10:51

170.00

10/11/05 10:51